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10/807,393	03/24/2004	Tokunori Kato	119249	3341
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OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			WORKU, NEGUSIE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/807,393	Applicant(s) KATO, TOKUNORI
	Examiner NEGUSIE WORKU	Art Unit 2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 March 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,3,7,12,15 and 16 is/are rejected.

7) Claim(s) 2,5,6,8-11,13,14,17 and 19 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 24 March 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03/21/06; 03/24/04

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application

6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 15 and 16 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues, that the prior art does not teach the claimed limitation of claim 1, 15 and 16. Upon further review, examiner respectfully disagree, because examiner believes that the prior art read on the claimed limitation of claims 1, 3, 7, 13, 15 and 16, as discussed in the office action, and therefore, the rejection have been maintained. And also claims are rejected over 112 second paragraph as indicated in this Office action. Since the newly amended subject matter do not clearly defined, even contradictory to the previous statement, Examiner believes the newly amended limitation unable to further define the patentability of the claims, and therefore, the rejection respectfully submitted as best understood by examiner as set forth below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-19, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Evidence that, claims 1, 15 and 16 are failed to correspond in scope with that which applicant(s) regard as the invention. In particular, the claimed limitation as indicated in all independent claims, 1,15 and 16 such as "a recognizing setting unit that enables terminal device to recognizing storage area in the storing unit as an external storage device or prevents the terminal device from recognizing the storage area in the storing unit as the external storage device" are not clearly distinguished or defined, "recognizing and not recognizing" is not defined in the claim 1,15 and 16 in way one skilled in the art would have clearly understood in the scope with that applicant (s) regard as invention.

Further, claims 2-14, and 14-19, are also rejected for being dependent on rejected claims as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. However, Claims 2,5-6, 8-11, 13-14 and 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, as set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The amended claimed limitations have been rejected as best under stood by examiner, as discussed below.

Claims Objected to having Allowable Subject Matter

4. Claims 2, 5-6, 8-11, 13-14 and 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, as set forth this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3, 7, 12, 15 and 16 rejected under 35 U.S.C. 102(e) as being anticipated by Koppich et al. (USPA 2003/0200503).

With regard to claim 1, Koppich '503' teaches a data processing device connected to and in communication with a terminal device, (a data processing device shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown in fig 1) comprising: a storing unit having a storage area for storing image data (a facsimile system 102, having storage area for storing image data]

col.2, lines 0024); a recognition setting unit that enables the terminal device to recognize the storage area in the storing unit as an external storage device (col.4, lines 0038), or prevents the terminal device from recognizing the storage area in the storing unit as the external storage device (it is inherent that when the device is cut off or turned off the terminal device prevent the recognizing process of the storage area); and a data processing unit (data generating unit 102 of fig 1, col.2, lines 0022) that reads image data from the storage area in the storing unit when image data is written to the storage area from the terminal device and executes a prescribed process on the image data (102 of fig 1, comprises DMM 114 via DDM 112 to store and retrieve from storage 11 of fig 1, co1.3, lines 0024).

With regard to claim 3, Koppich '503' teaches a data processing device connected to and in communication with a terminal device, (a data processing device shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown in fig 1), wherein the data processing unit (100 of fig 1) comprises a monitoring portion that constantly monitors the storage area in the storing unit to determine whether image data has been written to the storage area from the terminal device (processing device 100 of fig 1, has an internal controller suitably acting as a fully functional server with a necessary hardware and software that ensure proper operation including storing data to designated storage area, col.2, lines 0019-0020).

With regard to claim 4, Koppich '503' teaches a data processing device connected to and in communication with a terminal device, (a data processing device shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102,

104, 108 and 106] as shown in fig 1), further comprising a deleting unit that deletes image data from the storage area after the data processing unit has completed a predetermined process on the image data in the prescribed process (processing device 100 of fig 1, has an internal controller suitably acting as a fully functional server with a necessary hardware and software that ensure proper operation including storing data to designated storage area and prescribed process col.2, lines 0019-0020).

With regard to claim 5, Koppich '503' teaches a data processing device connected to and in communication with a terminal device, (a data processing device shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown in fig 1), wherein the prescribed process is image forming process, and the data processing device (100 of fig 1) further comprising an image forming unit (108 of fig 1) that forms an image on an image forming medium based on the image data (facsimile 108 of fig 1, is an image forming device); and wherein the data processing unit comprises a reading portion that reads image data from the storage area in the storing unit when image data is written to the storage area from the terminal device, and a control portion that controls the image forming unit to form an image based on the image data (processing device 100 of fig 1, has an internal controller suitably acting as a fully functional server with a necessary hardware and software that ensure proper operation including storing data to designated storage area, prescribed process and reading data from the storage area, see col.2, lines 0019-0020).

With regard to claim 7, Koppich '503' teaches a data processing device connected to and in communication with a terminal device, (a data processing device

shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown in fig 1), wherein the communicating unit (100 of fig 1) is capable of communicating with an external facsimile machine via the network, (facsimile device 108 communicating with external facsimile machine via communication unit 100, which is a network) the control portion controlling the data transmitting unit to transmit the image data as facsimile data to the external facsimile machine at the destination based on the destination data, see col.2, lines 0019-0020).

With regard to claim 12, Koppich '503' teaches a data processing device connected to and in communication with a terminal device, (a data processing device shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown in fig 1), wherein the communicating unit (100 of fig 1) is capable of communicating with an external facsimile machine (108 of fig 1) via the network (communication unit 100 is connected to the network); and wherein the control section controls the data transmitting unit to transmit the image data as facsimile data to the external facsimile machine at the destination based on the destination data, (processing device 100 of fig 1, has an internal controller suitably acting as a fully functional server with a necessary hardware and software that ensure proper operation including storing data to designated storage area, prescribed process and reading data from the storage area, see col.2, lines 0019-0020).

With regard to claim 15, Koppich '503' teaches a facsimile machine connected to and in communication with a terminal device, (108 shown in fig 1, comprises a communication unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown

in fig 1), comprising: a communicating unit (100 of fig 1, is a communicating unit) connected to an external network and capable of transmitting and receiving facsimile data (communicating unit 100, connected to the external unit via network); and a data processing device connected to and in communication with a terminal device through the external network, (processing device shown in fig 1), comprising: a storing unit (110 of fig 1) having a storage area for storing the facsimile data (storage 110 of fig 1, stores facsimile data); a recognition setting unit that enables the terminal device to recognize the storage area in the storing unit as an external storage device (col.4, lines 0038), or prevents the terminal device from recognizing the storage area in the storing unit as the external storage device (it is inherent that when the device is cut off or turned off the terminal device prevent the recognizing process of the storage area); and a data processing unit that reads the facsimile data from the storage area in the storing unit when the facsimile data is written to the storage area from the terminal device and executes a prescribed process on the facsimile data (processing device shown in fig 1, has an internal controller suitably acting as a fully functional server with a necessary hardware and software that ensure proper operation including storing data to designated storage area, prescribed process and reading data from the storage area, see col.2, lines 0019-0020).

With regard to claim 16, Koppich '503' teaches a storage medium that stores a program for permitting a facsimile machine to function as a data processing device data processing device connected to and in communication with a terminal device, (a data processing device shown in fig 1, comprises a storage device 110, a communication

unit 100 with a terminal devices (i.e., 102, 104, 108 and 106] as shown in fig 1), through a network, and a storage unit including a storage area that stores therein image data (storage 110 of fig 1), the program comprising: a program of enabling the terminal device to recognize the storage area in the storing unit as an external storage device (program run in computer 104, enabling the terminal device to recognize storage area, that includes reading out image data and execute prescribed process), or prevents the terminal device from recognizing the storage area in the storing unit as the external storage device (it is inherent that when the device is cut of or turned of the terminal device prevent the recognizing process of the storage area); and a program of reading image data from the storage area in the storing unit when image data is written to the storage area from the terminal device and executing a prescribed process on the image data, (processing device of fig 1, has an internal controller suitably acting as a fully functional server with a necessary hardware and software that ensure proper operation including storing program that designated storage area, prescribed process and reading data from the storage area, see col.2, lines 0019-0020).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is (571)272-7472. The examiner can normally be reached on 9A-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Negussie Worku/

Primary Examiner, Art Unit 2625